vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5620 OF 2007

Sunita M. Pandey ... Petitioner
V/s.
Raigad District Central
Co-operative Bank & Anr. ... Respondents

Mr.K.S. Bapat with A.H. Fatangale for Petitioner
Mr.C.G. Gavnekar with Deepa Sawant for Respondent No.

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 6, 2007**

P.C.:

. The petition challenges the order of the Industrial Court rejecting the interim application filed by the Petitioner at Exhibit U18. The petitioner had sought a stay of the enquiry initiated against her. The respondent had taken this action against the petitioner after she submitted her resignation on 2.2.2005. The issue which arises is whether the petitioner could have been chargesheeted and subjected to a domestic enquiry even after her resignation was submitted.

2. The respondent has raised the issue in its written statement that the petitioner is not a workman and, therefore, the proceedings under the MRTU & PULP Act are not maintainable.

3. In my view, it would be appropriate to remand the complaint to the Industrial Court for deciding all

issues which arise in the complaint together. Pending the complaint, the respondent will not proceed with the enquiry against the petitioner.

4. Petition is disposed of accordingly.